

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DEMON LESLIE-CEBRIN WILLIAMS

PLAINTIFF

v.

CAUSE NO. 1:16CV143-LG-RHW

**TROY PETERSON, Sheriff; EVAN
HUBBARD, Warden; E. LEGE,
Deputy Warden; C. ALFORD,
Classification Office Sgt.; and
HARRISON COUNTY, MISSISSIPPI**

DEFENDANTS

**ORDER ADOPTING PROPOSED FINDINGS
OF FACT AND RECOMMENDATION**

BEFORE THE COURT is the Proposed Findings of Fact and Recommendation [50] entered by United States Magistrate Judge Robert H. Walker. Judge Walker recommends that this lawsuit should be dismissed due to the plaintiff Demon Leslie-Cebrin Williams=s failure to appear at an omnibus hearing. Williams has not filed an objection to the Proposed Findings of Fact and Recommendation. After reviewing the Proposed Findings of Fact and Recommendation, the record in this matter, and the applicable law, the Court finds that the Proposed Findings of Fact and Recommendation should be adopted as the opinion of this Court and this lawsuit should be dismissed without prejudice.

DISCUSSION

On April 28, 2016, Williams filed this lawsuit alleging unconstitutional conditions of confinement at the Harrison County Adult Detention Center. Williams was provided with notice that an omnibus hearing before Judge Walker would be held on December 15, 2016, but he did not appear at the hearing. As a result, Judge Walker issued the present Proposed Findings of Fact and

Recommendation proposing dismissal of this lawsuit due to Williams's failure to appear. The copy of the Proposed Findings of Fact and Recommendation that was initially sent to Williams was returned to the Court as undeliverable. Upon obtaining a possible new address for Williams from the Mississippi Department of Corrections website, an additional copy of the Proposed Findings of Fact and Recommendation was mailed. An acknowledgement of receipt for this mailing was filed on February 8, 2017, which revealed that the Proposed Findings of Fact and Recommendation was received on February 6, 2017. Despite this additional mailing, no objection to the Proposed Findings of Fact and Recommendation has been filed.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. ' 636(b)(1) (A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.) In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. This Court has authority to dismiss an action due to the plaintiff's failure to prosecute under Fed. R. Civ. P. 41(b), and under its inherent authority to dismiss the action sua sponte. *See Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962); *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). The Court

must be able to clear its calendar of cases that remain dormant because of the inaction or dilatoriness of the party seeking relief, so as to achieve the orderly and expeditious disposition of cases. *See Link*, 370 U.S. at 629-30. Aside from some automatic partial payments of the filing fee, Williams has not filed any pleadings or communicated with this Court since August 1, 2016. It is apparent that Williams has abandoned his lawsuit. Therefore, the Court finds that the Proposed Findings of Fact and Recommendation entered by Judge Walker should be adopted as the opinion of this Court and this case should be dismissed without prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [50] entered by United States Magistrate Judge Robert H. Walker is **ADOPTED** as the opinion of this Court. This lawsuit is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED AND ADJUDGED this the 8th day of March, 2017.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE